

**BALLOT AND VOTER INFORMATION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends provisions relating to ballots and information provided to voters.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions relating to constitutional amendments, statewide initiatives, and statewide referenda, including the duties of the Office of Legislative Research and General Counsel and the lieutenant governor in relation to providing information regarding these measures;
- ▶ amends requirements relating to the information provided on the ballot for a constitutional amendment, statewide initiative, or statewide referenda;
- ▶ creates a statewide ballot question voter guide, included with each ballot, that provides more information to voters in relation to constitutional amendments, statewide initiatives, and statewide referenda;
- ▶ amends provisions relating to local ballot propositions, including the duties of the attorney and clerk for a municipality or county in relation to providing information regarding these propositions;
- ▶ amends requirements relating to the information provided on the ballot for a local ballot proposition;
- ▶ creates a local ballot question voter guide, included with each ballot, that provides more information to voters in relation to local ballot propositions;
- ▶ permits a person who submits an argument in favor of, or against, a statewide or local measure, to submit an argument summary to be included in the ballot;
- ▶ amends provisions relating to the statewide vote information pamphlet, the local voter information pamphlet, and the local proposition information pamphlet;
- ▶ modifies the ballot, and the determination of offices retained, for a justice court judge; and
- ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**38 **AMENDS:**39 **20A-7-103**, as last amended by Laws of Utah 2011, Chapter 32740 **20A-7-209**, as last amended by Laws of Utah 2019, Chapter 27541 **20A-7-210**, as last amended by Laws of Utah 2019, Chapter 27542 **20A-7-308**, as last amended by Laws of Utah 2010, Chapter 36743 **20A-7-309**, as last amended by Laws of Utah 2010, Chapter 29444 **20A-7-401.5**, as enacted by Laws of Utah 2019, Chapter 20345 **20A-7-402**, as last amended by Laws of Utah 2019, Chapters 203, 255 and last  
46 amended by Coordination Clause, Laws of Utah 2019, Chapter 20347 **20A-7-508**, as last amended by Laws of Utah 2019, Chapter 20348 **20A-7-509**, as last amended by Laws of Utah 2019, Chapter 20349 **20A-7-608**, as last amended by Laws of Utah 2019, Chapter 20350 **20A-7-609**, as last amended by Laws of Utah 2014, Chapter 39651 **20A-7-613**, as last amended by Laws of Utah 2019, Chapters 203 and 25552 **20A-7-702**, as last amended by Laws of Utah 2018, Chapter 80 and last amended by  
53 Coordination Clause, Laws of Utah 2018, Chapter 40354 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 25555 **20A-12-201**, as last amended by Laws of Utah 2017, Chapter 8156 **ENACTS:**57 **20A-7-401.7**, Utah Code Annotated 195358 **20A-7-901**, Utah Code Annotated 1953

59

60 *Be it enacted by the Legislature of the state of Utah:*61 Section 1. Section **20A-7-103** is amended to read:62 **20A-7-103. Constitutional amendments submitted by the Legislature --**63 **Publication -- Ballot question and contents -- Procedures for submission to popular vote.**

(1) The procedures contained in this section govern when the Legislature submits a proposed constitutional amendment ~~[or other question]~~ to the voters.

(2) In addition to the publication in the voter information pamphlet required by Section 20A-7-702, the lieutenant governor shall, not more than 60 days or less than 14 days before the date of the election, publish the full text of the proposed constitutional amendment~~[, question, or statute]~~ in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_\_" and assign ~~[it]~~ the proposed constitutional amendment a letter according to the requirements of Section 20A-6-107;

~~[(b) entitle each proposed question "Proposition Number \_\_\_\_" with the number assigned to the proposition under Section 20A-6-107 placed in the blank;]~~

~~[(c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that summarizes the subject matter of the amendment or question; and]~~

(b) prepare a short title, not exceeding 10 words, for the proposed constitutional amendment;

(c) prepare an impartial ballot question that generally describes the proposed constitutional amendment and may be answered "Yes" or "For" if the voter is in favor of the proposed constitutional amendment, or "No" or "Against" if the voter is opposed to the proposed constitutional amendment;

(d) draft an impartial summary of the proposed constitutional amendment; and

~~[(d)]~~ (e) deliver [each number and title] the items described in this Subsection (3) to the lieutenant governor.

(4) The lieutenant governor shall certify the ~~[number and ballot title of each amendment or question]~~ items described in Subsection (3) to the county clerk of each county no later than 65 days before the date of the election.

~~[(5) The county clerk of each county shall:]~~

~~[(a) ensure that both the number and title of each amendment and question is printed on the sample ballots and official ballots; and]~~

~~[(b) publish them as provided by law.]~~

(5) Before the section of the ballot containing one or more constitutional amendments, the ballot shall include the following statement, "A more detailed summary of each proposed constitutional amendment appears on the accompanying ballot question voter guide."

(6) For each proposed constitutional amendment, the ballot shall show, in the following order:

(a) the title described in Subsection (3)(a);

(b) the short title described in Subsection (3)(b);

(c) the ballot question described in Subsection (3)(c); and

(d) a space for the voter to mark "Yes" or "For" in favor of the proposed constitutional amendment and a space for the voter to mark "No" or "Against" in opposition to the proposed constitutional amendment.

(7) (a) A voter desiring to vote in favor of the proposed constitutional amendment shall mark the space adjacent to the word "Yes" or "For."

(b) A voter desiring to vote against enacting the proposed constitutional amendment shall mark the space adjacent to the word "No" or "Against."

(8) An election officer shall provide a copy of the statewide ballot question voter guide, described in Section 20A-7-901, with each ballot.

Section 2. Section **20A-7-209** is amended to read:

**20A-7-209. Ballot question -- Summary -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

(1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) ~~[(a)]~~ The Office of Legislative Research and General Counsel shall, on or before June 26, prepare and provide the following to the lieutenant governor for each statewide initiative that qualifies for the ballot:

~~[(i)]~~ (a) entitle each ~~[state]~~ initiative ~~[that has qualified for the ballot]~~ "Proposition Number \_\_\_\_" and give ~~[it]~~ the initiative a number as assigned under Section 20A-6-107;

~~[(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and]~~

126 ~~[(iii) return each petition and ballot title to the lieutenant governor by June 26.]~~  
127 ~~[(b) The ballot title may be distinct from the title of the proposed law attached to the~~  
128 ~~initiative petition, and shall be not more than 100 words.]~~  
129 ~~[(c) If the initiative proposes a tax increase, the Office of Legislative Research and~~  
130 ~~General Counsel shall include the following statement, in bold, in the ballot title:]~~  
131 ~~["This initiative seeks to increase the current (insert name of tax) rate by (insert the tax~~  
132 ~~percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent~~  
133 ~~increase in the current tax rate."]~~  
134 ~~[(d) For each state initiative, the official ballot shall show, in the following order:]~~  
135 ~~[(i) the number of the initiative as determined by the Office of Legislative Research~~  
136 ~~and General Counsel;]~~  
137 ~~[(ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated~~  
138 ~~under Section 20A-7-204.1; and]~~  
139 ~~[(iii) the ballot title as determined by the Office of Legislative Research and General~~  
140 ~~Counsel.]~~  
141 (b) prepare an impartial short title, not exceeding 10 words, for the initiative's ballot  
142 question;  
143 (c) if the initiative proposes a tax increase, draft the following statement in relation to  
144 each tax increase:  
145 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
146 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
147 increase in the current tax rate.";  
148 (d) if the initiative proposes a new tax, draft the following statement in relation to each  
149 new tax:  
150 "This initiative proposes a new tax on (describe the tax). The proposed tax rate is  
151 (describe the proposed rate for the new tax).";  
152 (e) prepare an impartial ballot question that:  
153 (i) in accordance with Subsection (3)(a), does not exceed 60 words;  
154 (ii) generally describes the initiative;  
155 (iii) may be answered "Yes" or "For" if the voter is in favor of the initiative, or "No" or  
156 "Against" if the voter is opposed to the initiative; and

(iv) includes, in parenthesis following each term included in the summary that is defined in the initiative, the word "defined"; and

(f) in accordance with Subsection (3)(b), prepare an impartial summary of the contents of the initiative that does not exceed 100 words.

(3) (a) The 60-word limit described in Subsection (2)(e)(i) does not include the items described in Subsections (2)(a) through (d) or (f).

(b) The 100-word limit described in Subsection (2)(f) does not include the items described in Subsections (2)(a) through (e).

~~[(3)]~~ (4) On or before June 27, the lieutenant governor shall mail a copy of the ~~[ballot title]~~ items described in Subsection (2) to any sponsor of the petition.

~~[(4)]~~ (5) (a) ~~[(i)]~~ At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the ~~[ballot title prepared by the Office of Legislative Research and General Counsel]~~ items described in Subsection (2) to the appropriate court.

~~[(ii)]~~ (b) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:

~~[(A)]~~ (i) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or

~~[(B)]~~ (ii) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

~~[(b)]~~ (c) (i) There is a presumption that the ~~[ballot title]~~ items described in Subsection (2), prepared by the Office of Legislative Research and General Counsel ~~[is an impartial summary of the contents of the initiative]~~, are impartial and accurate.

(ii) The court may not revise the wording of the ~~[ballot title]~~ items described in Subsection (2) unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ~~[ballot title is]~~ items are patently false or biased.

~~[(c)]~~ (d) The court shall:

(i) examine the ~~[ballot title]~~ items described in Subsection (2);

(ii) hear arguments; and

(iii) ~~[certify to the lieutenant governor a ballot title for the measure that meets]~~ enter an

188 order in accordance with the requirements of this section.

189 ~~[(d)]~~ (e) The lieutenant governor shall certify the ~~[title verified by the court]~~ language  
190 referenced in the court order described in Subsection (5)(d) to the county clerks to be printed  
191 on the official ballot.

192 Section 3. Section **20A-7-210** is amended to read:

193 **20A-7-210. Form of ballot -- Manner of voting -- Provision of statewide ballot**  
194 **question voter guide.**

195 ~~[(1) A county clerk shall ensure that the information described in Subsection~~  
196 ~~20A-7-209(2)(d) is presented, in the order required, upon the official ballot with, immediately~~  
197 ~~adjacent to the information, the words "For" and "Against," each word presented with an~~  
198 ~~adjacent square in which the voter may indicate the voter's vote.]~~

199 (1) Before the section of the ballot containing one or more initiatives, the ballot shall  
200 include the following statement, "A more detailed summary of each initiative appears on the  
201 accompanying ballot question voter guide."

202 (2) For each statewide initiative, the official ballot shall show, in the following order:

203 (a) the title described in Subsection 20A-7-209(2)(a), in bold;

204 (b) the short title described in Subsection 20A-7-209(2)(b), in bold;

205 (c) (i) if the initiative proposes a tax increase, the following statement, "This initiative  
206 proposes a tax increase. For more information, see the accompanying statewide ballot question  
207 voter guide.";

208 (ii) if the initiative proposes a new tax, the following statement, "This initiative  
209 proposes a new tax. For more information, see the accompanying statewide ballot question  
210 voter guide."; and

211 (iii) if the initiative proposes a new tax and a tax increase, the following statement,  
212 "This initiative proposes a new tax and a tax increase. For more information, see the  
213 accompanying statewide ballot question voter guide.";

214 (d) the ballot question described in Subsection 20A-7-209(2)(e); and

215 (e) a space for the voter to mark "Yes" or "For" in favor of the initiative and a space for  
216 the voter to mark "No" or "Against" in opposition to the initiative.

217 ~~[(2)]~~ (3) (a) A voter desiring to vote in favor of enacting the law proposed by the  
218 initiative petition shall mark the ~~[square]~~ space adjacent to the word ~~["For," and a]~~ "Yes" or

219 "For."

220 (b) A voter desiring to vote against enacting the law proposed by the initiative petition  
221 shall mark the ~~[square]~~ space adjacent to the word "No" or "Against."

222 (4) An election officer shall provide a copy of the statewide ballot question voter  
223 guide, described in Section 20A-7-901, with each ballot.

224 Section 4. Section **20A-7-308** is amended to read:

225 **20A-7-308. Ballot question -- Duties of lieutenant governor and Office of**  
226 **Legislative Research and General Counsel.**

227 (1) ~~[Whenever]~~ When a statewide referendum petition is declared sufficient for  
228 submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition  
229 and the proposed law to the Office of Legislative Research and General Counsel.

230 (2) ~~[(a)]~~ The Office of Legislative Research and General Counsel shall, no later than 15  
231 days after the day on which the Office of Legislative Research and General Counsel receives a  
232 copy of the petition and the proposed law under Subsection (1), prepare and provide the  
233 following to the lieutenant governor:

234 ~~[(i)]~~ (a) entitle ~~[each]~~ a state referendum that has qualified for the ballot "Proposition  
235 Number \_\_\_\_" and give ~~[it]~~ the referendum a number as assigned under Section 20A-6-107;

236 ~~[(ii)]~~ prepare an impartial ballot title for the referendum summarizing the contents of the  
237 measure; and]

238 ~~[(iii)]~~ return the petition and the ballot title to the lieutenant governor within 15 days  
239 after its receipt.]

240 ~~[(b)]~~ The ballot title may be distinct from the title of the law that is the subject of the  
241 petition, and shall be not more than 100 words.]

242 ~~[(c)]~~ The ballot title and the number of the measure as determined by the Office of  
243 Legislative Research and General Counsel shall be printed on the official ballot.]

244 (b) prepare an impartial short title, not exceeding 10 words, for the referendum's ballot  
245 question;

246 (c) prepare an impartial ballot question that:

247 (i) in accordance with Subsection (3)(a), does not exceed 60 words;

248 (ii) generally describes the law challenged by the referendum;

249 (iii) may be answered "Yes" or "For" if the voter is in favor of the law challenged by



250 referendum, or "No" or "Against" if the voter is opposed to the law challenged by the  
251 referendum; and

252 (iv) includes, in parenthesis following each term included in the summary that is  
253 defined in the law challenged by the referendum, the word "defined";

254 (d) prepare a statement, not to exceed 25 words in length, that explains the meaning of  
255 a vote in favor of the law challenged by referendum and the meaning of a vote opposed to the  
256 law challenged by referendum; and

257 (e) in accordance with Subsection (3)(b), prepare an impartial summary of the contents  
258 of the law challenged by the referendum that does not exceed 100 words.

259 (3) (a) The 60-word limit described in Subsection (2)(c)(i) does not include the items  
260 described in Subsections (2)(a), (b), (d), or (e).

261 (b) The 100-word limit described in Subsection (2)(e) does not include the items  
262 described in Subsections (2)(a) through (d).

263 ~~[(3)]~~ (4) Immediately after the Office of Legislative Research and General Counsel  
264 ~~[files a copy of the ballot title with]~~ provides the items described in Subsection (2) to the  
265 lieutenant governor, the lieutenant governor shall mail a copy of the [ballot title to any of the  
266 ~~sponsors]~~ items to any sponsor of the petition.

267 ~~[(4)]~~ (5) (a) [(i)] At least three of the sponsors of the petition may, within 15 days ~~[of~~  
268 ~~the date]~~ after the day on which the lieutenant governor mails the ~~[ballot title]~~ items described  
269 in Subsection (2) to a sponsor of the petition, challenge the wording of the [ballot title] items  
270 prepared by the Office of Legislative Research and General Counsel to the [Supreme Court]  
271 appropriate court.

272 ~~[(ii)]~~ (b) After receipt of the ~~[appeal, the Supreme Court]~~ challenge, the court shall  
273 direct the lieutenant governor to send notice of the [appeal] challenge to:

274 ~~[(A)]~~ (i) any person or group that has filed an argument for or against the ~~[measure]~~  
275 referendum that is the subject of the challenge; ~~[or]~~ and

276 ~~[(B)]~~ (ii) any political issues committee established under Section 20A-11-801 that has  
277 filed written or electronic notice with the lieutenant governor that identifies the name, mailing  
278 or email address, and telephone number of the person designated to receive notice about any  
279 issues relating to the ~~[initiative]~~ referendum.

280 ~~[(b)]~~ (c) (i) There is a presumption that the ~~[ballot title]~~ items described in Subsection

(2), prepared by the Office of Legislative Research and General Counsel [~~is an impartial summary of the contents of the referendum~~] are impartial and accurate.

(ii) The [~~Supreme Court~~] court may not revise the wording of the [~~ballot title~~] items described in Subsection (2) unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the [~~ballot title is~~] items are patently false or biased.

~~[(c)]~~ (d) The [~~Supreme Court~~] court shall:

(i) examine the [~~ballot title~~] items described in Subsection (2);

(ii) hear arguments; and

(iii) [~~certify to the lieutenant governor a ballot title for the measure that meets~~] enter an order in accordance with the requirements of this section.

~~[(d)]~~ (e) The lieutenant governor shall certify the [~~title verified by the Supreme Court~~] language referenced in the order described in Subsection (5)(d) to the county clerks to be printed on the official ballot.

Section 5. Section **20A-7-309** is amended to read:

**20A-7-309. Form of ballot -- Manner of voting -- Provision of statewide ballot question voter guide.**

~~[(1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.]~~

(1) Before the section of the ballot containing one or more referenda, the ballot shall include the following statement, "A more detailed summary of each referendum appears on the accompanying ballot question voter guide."

(2) For each statewide referendum, the official ballot shall show, in the following order:

(a) the title described in Subsection 20A-7-308(2)(a), in bold;

(b) the short title, described in Subsection 20A-7-308(2)(b), in bold;

(c) the ballot question described in Subsection 20A-7-308(2)(c);

(d) the statement described in Subsection 20A-7-308(2)(d) regarding the meaning of a positive or negative vote; and

(e) a space for the voter to mark "Yes" or "For" if the voter is in favor of the law

312 challenged by the referendum and a space for the voter to mark "No" or "Against" if the voter  
313 is opposed to the law challenged by the referendum.

314 ~~[(2)]~~ (3) (a) ~~[(i)]~~ A voter desiring to vote in favor of the law that is the subject of the  
315 referendum shall mark the ~~[square]~~ space adjacent to the word "Yes" or "For."

316 ~~[(ii)]~~ (b) The law that is the subject of the referendum takes effect if a majority of  
317 voters mark "Yes" or "For."

318 ~~[(b)-(i)]~~ (4) (a) A voter desiring to vote against the law that is the subject of the  
319 referendum petition shall mark the ~~[square]~~ space adjacent to the word "No" or "Against."

320 ~~[(ii)]~~ (b) The law that is the subject of the referendum does not take effect if a majority  
321 of voters mark "No" or "Against."

322 (5) An election officer shall provide a copy of the statewide ballot question voter  
323 guide, described in Section 20A-7-901, with each ballot.

324 Section 6. Section **20A-7-401.5** is amended to read:

325 **20A-7-401.5. Proposition information pamphlet.**

326 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
327 circulate an initiative petition under Section 20A-7-502 or an application to circulate a  
328 referendum petition under Section 20A-7-602:

329 (A) the sponsors of the proposed initiative or referendum may submit a written  
330 argument in favor of the proposed initiative or referendum to the election officer of the county  
331 or municipality to which the petition relates; and

332 (B) the county or municipality to which the application relates may submit a written  
333 argument in favor of, or against, the proposed initiative or referendum to the county's or  
334 municipality's election officer.

335 (ii) If a county or municipality submits more than one written argument under  
336 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments~~[-];~~:

337 (A) giving preference to a written argument submitted by a member of a local  
338 legislative body if a majority of the local legislative body supports the written argument~~[-]; and~~

339 (B) if selecting between two or more written arguments of equal preference, by  
340 randomly selecting one of the written arguments.

341 (b) Within one business day after the day on which an election officer receives an  
342 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the

argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.

(c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).

(d) The sponsors of the proposed initiative or referendum may ~~[submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or municipality to which the petition relates]~~, within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602~~[-]~~, submit to the election officer of the county or municipality to which the petition relates:

(i) a revised version of the written argument described in Subsection (1)(a)(i)(A); and

(ii) a summary of the written argument described in Subsection (1)(a)(i)(A) or (1)(d)(i), not exceeding 50 words, to be included in the local ballot question voter guide.

(e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may ~~[submit a revised version of the written argument to the county's or municipality's election officer]~~, within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602~~[-]~~, submit to the county's or municipality's election officer:

(i) a revised version of the written argument described in Subsection (1)(a)(i)(B); and

(ii) a summary of the written argument described in Subsection (1)(a)(i)(B) or (1)(e)(i), not exceeding 50 words, to be included in the local ballot question voter guide.

(2) (a) A written argument described in Subsection (1)(a)(i)(A), (1)(d)(i), (1)(a)(i)(B), or (1)(e)(i) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument or argument summary described in Subsection (1)(d) or (e) after the written argument or argument summary is submitted to the election officer.

(c) The election officer and the person that submits the written argument or argument summary described in Subsection (1)(d) or (e) may jointly agree to modify the written

374 argument or argument summary to:

375 (i) correct factual, grammatical, or spelling errors; or

376 (ii) reduce the number of words to come into compliance with ~~[Subsection (2)(a)]~~ the  
377 word limitation requirements.

378 (d) An election officer shall refuse to include a written argument or argument summary  
379 in the proposition information pamphlet described in this section if the person who submits the  
380 argument or argument summary:

381 (i) fails to negotiate, in good faith, to modify the argument or argument summary in  
382 accordance with Subsection (2)(c); or

383 (ii) does not timely submit the written argument or argument summary to the election  
384 officer.

385 (e) An election officer shall make a good faith effort to negotiate a modification  
386 described in Subsection (2)(c) in an expedited manner.

387 (3) An election officer who receives a written argument described in Subsection (1)  
388 shall prepare a proposition information pamphlet for publication that includes:

389 (a) a copy of the application for the proposed initiative or referendum;

390 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
391 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
392 referendum, if any;

393 (c) except as provided in Subsection (2)(d), immediately after the argument described  
394 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

395 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
396 Section 20A-7-502.5 or 20A-7-602.5.

397 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
398 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
399 election officer:

400 (i) complies with Subsection (4)(b); or

401 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

402 (b) Within 21 days after the day on which the eligible voter files an application to  
403 circulate an initiative petition under Section 20A-7-502, or an application to circulate a  
404 referendum petition under Section 20A-7-602, the election officer shall provide a copy of the

proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.

(5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:

(i) 10 days after the day on which the municipality or a court determines that the

proposed initiative or referendum is legally referable to voters; or

(ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.

(6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

(a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

(b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the county's website, until:

(i) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Section 7. Section **20A-7-401.7** is enacted to read:

**20A-7-401.7. Local ballot question voter guide.**

(1) (a) If there is a local initiative or a local referendum on the ballot, the election officer for the municipality or county to which the initiative or referendum relates shall provide with each ballot a local ballot question voter guide.

(b) An election officer may not print a local ballot question voter guide on the ballot.

(2) The local ballot question voter guide shall include the following for each local initiative, in the following order:

(a) the title described in Subsection 20A-7-508(2)(a), in bold;

(b) the short title described in Subsection 20A-7-508(2)(b), in bold;

(c) (i) if the initiative proposes a tax increase:

(A) the following statement, "This initiative proposes a tax increase.";

(B) for each proposed tax increase, the following statement, "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.";  
and

(C) the following statement, "For more information, see the accompanying local ballot question voter guide.";

(ii) if the initiative proposes a new tax, the following statement, "This initiative proposes a new tax. For more information, see the accompanying local ballot question voter guide."; or

(iii) if the initiative proposes a new tax and a tax increase:

(A) the following statement, "This initiative proposes a new tax and a tax increase.";

(B) for each proposed tax increase, the following statement, "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.";  
and

(C) the following statement, "For more information, see the accompanying local ballot question voter guide.";

(d) the fiscal impact estimate prepared in accordance with Section 20A-7-502.5;

(e) the legal impact estimate prepared in accordance with Section 20A-7-502.5;

(f) the summary described in Subsection 20A-7-508(2)(f);

(g) the argument summaries submitted under Section 20A-7-402;

(h) a website address where an individual may view the arguments described in Section 20A-7-402;

(i) the name and contact information of the sponsors of the initiative and the authors of the arguments described in Section 20A-7-402; and

(j) the full text of the initiative.

(3) The local ballot question voter guide shall include the following for each local referendum, in the following order:



(a) the title described in Subsection 20A-7-608(2)(a), in bold;

(b) the short title described in Subsection 20A-7-608(2)(b), in bold;

(c) the summary described in Subsection 20A-7-608(2)(e);

(d) the statement, described in Subsection 20A-7-608(2)(d), regarding the meaning of a vote on the law challenged by referendum;

(e) the argument summaries submitted under Section 20A-7-402;

(f) a website address where an individual may view the arguments described in Section 20A-7-402 and the full text of the law challenged by the referendum; and

(g) the name and contact information of the sponsors of the referendum and the authors of the arguments described in Section 20A-7-402.

Section 8. Section **20A-7-402** is amended to read:

**20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

**Preparation -- Statement on front cover.**

(1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.

(2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality that is subject to a special local ballot proposition shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by:

(i) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including the notice with a newsletter, utility bill, or other material;

(ii) posting the notice, until after the deadline described in Subsection (2)(d) has passed, on:

(A) the Utah Public Notice Website created in Section 63F-1-701; and

(B) the home page of the municipality's website, if the municipality has a website; and

(iii) sending the notice electronically to each individual in the municipality for whom the municipality has an email address.

(b) A county that is subject to a special local ballot proposition shall:

(i) send an electronic notice that complies with the requirements of Subsection (2)(c)(ii) to each individual in the county for whom the county has an email address; or

(ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that complies with the requirements of Subsection (2)(c)(ii) on:

529 (A) the Utah Public Notice Website created in Section 63F-1-701; and  
530 (B) the home page of the county's website.

531 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)  
532 or (b) shall:

533 (i) mail, send, or post the notice:

534 (A) not less than 90 days before the date of the election at which a special local ballot  
535 proposition will be voted upon; or

536 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable  
537 after the special local ballot proposition is approved to be voted upon in an election; and

538 (ii) ensure that the notice contains:

539 (A) the ~~[ballot title]~~ items described in Subsections (11)(a)(ii) through (iv) for the  
540 special local ballot proposition;

541 (B) instructions on how to file a request under Subsection (2)(d); and

542 (C) the deadline described in Subsection (2)(d).

543 (d) To prepare a written argument for or against a special local ballot proposition, an  
544 eligible voter shall file a request with the election officer before 5 p.m. no later than 55 days  
545 before the day of the election at which the special local ballot proposition is to be voted on.

546 (e) If more than one eligible voter requests the opportunity to prepare a written  
547 argument for or against a special local ballot proposition, the election officer shall make the  
548 final designation in accordance with the following order of priority:

549 (i) sponsors have priority in preparing an argument regarding a special local ballot  
550 proposition; and

551 (ii) members of the local legislative body have priority over others if a majority of the  
552 local legislative body supports the written argument.

553 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no  
554 later than 67 days before the day of the election at which the ballot proposition is to be voted  
555 on.

556 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in  
557 favor of the special local ballot proposition.

558 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot  
559 proposition who submits a request under Subsection (2)(d) may prepare a written argument

560 against the special local ballot proposition.

561 (h) An eligible voter who submits a written argument under this section in relation to a  
562 special local ballot proposition shall:

563 (i) ensure that the written argument does not exceed 500 words in length, not counting  
564 the information described in Subsection (2)(h)(ii) or (iv);

565 (ii) list, at the end of the argument, at least one, but no more than five, names as  
566 sponsors;

567 (iii) submit the written argument to the election officer before 5 p.m. no later than 60  
568 days before the election day on which the ballot proposition will be submitted to the voters;

569 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
570 residential address; and

571 (v) submit with the written argument the eligible voter's name, residential address,  
572 postal address, email address if available, and phone number.

573 (i) An election officer shall refuse to accept and publish an argument submitted after  
574 the deadline described in Subsection (2)(h)(iii).

575 (3) (a) An election officer who timely receives the written arguments in favor of and  
576 against a special local ballot proposition shall, within one business day after the day on which  
577 the election office receives both written arguments, send, via mail or email:

578 (i) a copy of the written argument in favor of the special local ballot proposition to the  
579 eligible voter who submitted the written argument against the special local ballot proposition;  
580 and

581 (ii) a copy of the written argument against the special local ballot proposition to the  
582 eligible voter who submitted the written argument in favor of the special local ballot  
583 proposition.

584 (b) The eligible voter who submitted a timely written argument in favor of the special  
585 local ballot proposition:

586 (i) may submit to the election officer a written rebuttal argument of the written  
587 argument against the special local ballot proposition;

588 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
589 not counting the information described in Subsection [~~(3)~~] (2)(h)(ii) or (iv); [~~and~~]

590 (iii) may submit a summary of the argument, not exceeding 50 words, to be included in

591 the local ballot question voter guide; and

592 ~~[(iii)]~~ (iv) shall submit the written rebuttal argument described in Subsections (3)(b)(i)  
593 and (ii) and the summary described in Subsection (3)(b)(iii) before 5 p.m. no later than 45 days  
594 before the election day on which the special local ballot proposition will be submitted to the  
595 voters.

596 (c) The eligible voter who submitted a timely written argument against the special local  
597 ballot proposition:

598 (i) may submit to the election officer a written rebuttal argument of the written  
599 argument in favor of the special local ballot proposition;

600 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
601 not counting the information described in Subsection ~~[(3)]~~ (2)(h)(ii) or (iv); ~~[and]~~

602 (iii) may submit a summary of the eligible voter's written argument, not exceeding 50  
603 words, to be included in the local ballot question voter guide; and

604 ~~[(iii)]~~ (iv) shall submit the written rebuttal argument described in Subsections (3)(c)(i)  
605 and (ii) and the summary described in Subsection (3)(c)(iii) before 5 p.m. no later than 45 days  
606 before the election day on which the special local ballot proposition will be submitted to the  
607 voters.

608 (d) An election officer shall refuse to accept and publish a written rebuttal argument, or  
609 an argument summary, in relation to a special local ballot proposition that is submitted after the  
610 deadline described in Subsection (3)(b)~~[(iii)]~~(iv) or (3)(c)~~[(iii)]~~(iv).

611 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
612 proposition:

613 (i) an eligible voter may not modify a written argument ~~[or]~~, a written rebuttal  
614 argument, or a written argument summary after the eligible voter submits the written argument  
615 ~~[or]~~, written rebuttal argument, or written argument summary to the election officer; and

616 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
617 modify ~~[a]~~ the eligible voter's written argument ~~[or a]~~, written rebuttal argument, or written  
618 argument summary.

619 (b) The election officer, and the eligible voter who submits a written argument ~~[or]~~, a  
620 written rebuttal argument, or written argument summary in relation to a special local ballot  
621 proposition, may jointly agree to modify ~~[a]~~ the written argument ~~[or]~~, written rebuttal

622 argument, or written argument summary in order to:

623 (i) correct factual, grammatical, or spelling errors; and

624 (ii) reduce the number of words to come into compliance with the requirements of this  
625 section.

626 (c) An election officer shall refuse to accept and publish a written argument ~~[or]~~, a  
627 written rebuttal argument, or written argument summary in relation to a special local ballot  
628 proposition if the eligible voter who submits the written argument ~~[or]~~, written rebuttal  
629 argument, or written argument summary fails to negotiate, in good faith, to modify the written  
630 argument ~~[or]~~, written rebuttal argument, or written argument summary in accordance with  
631 Subsection (4)(b).

632 (5) In relation to a special local ballot proposition, an election officer may designate  
633 another eligible voter to take the place of an eligible voter described in this section if the  
634 original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
635 continue to fulfill the duties of an eligible voter described in this section.

636 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
637 included in a proposition information pamphlet under Section 20A-7-401.5:

638 (a) may, if a written argument against the standard local ballot proposition is included  
639 in the proposition information pamphlet, submit a written rebuttal argument to the election  
640 officer;

641 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
642 ~~[and]~~

643 (c) may submit a summary of the sponsors' written argument, not exceeding 50 words,  
644 to be included in the local ballot question voter guide; and

645 ~~[(c)]~~ (d) shall submit the written rebuttal argument described in Subsections (6)(a) and  
646 (b) and the summary described in Subsection (6)(c) no later than 45 days before the election  
647 day on which the standard local ballot proposition will be submitted to the voters.

648 (7) (a) A county or municipality that submitted a written argument against a standard  
649 local ballot proposition that is included in a proposition information pamphlet under Section  
650 20A-7-401.5:

651 (i) may, if a written argument in favor of the standard local ballot proposition is  
652 included in the proposition information pamphlet, submit a written rebuttal argument to the

653 election officer;

654 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;

655 [~~and~~]

656 (iii) may submit a summary of the county's or municipality's written argument, not

657 exceeding 50 words, to be included in the local ballot question voter guide; and

658 [~~(iii)~~] (iv) shall submit the written rebuttal argument described in Subsections (7)(a)(i)

659 and (ii) and the summary described in Subsection (7)(a)(iii) no later than 45 days before the

660 election day on which the ballot proposition will be submitted to the voters.

661 (b) If a county or municipality submits more than one written rebuttal argument under

662 Subsection (7)(a)(i) or more than one argument summary under Subsection (7)(a)(iii), the

663 election officer shall select one of the written rebuttal arguments[;] and one of the argument

664 summaries:

665 (A) giving preference to a written rebuttal argument and argument summary submitted

666 by a member of a local legislative body[;]; and

667 (B) if selecting between two or more written arguments or argument summaries of

668 equal preference, by randomly selecting one of the written arguments and one of the argument

669 summaries.

670 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument

671 or argument summary that is submitted after the deadline described in Subsection (6)[~~(c)~~](d) or

672 (7)(a)[~~(iii)~~](iv).

673 (b) Before an election officer publishes a local voter information pamphlet under this

674 section, a written rebuttal argument and a written argument summary is a draft for purposes of

675 Title 63G, Chapter 2, Government Records Access and Management Act.

676 (c) An election officer who receives a written rebuttal argument or a written argument

677 summary described in this section may not, before publishing the local voter information

678 pamphlet described in this section, disclose the written rebuttal argument, the written argument

679 summary, or any information contained in the written rebuttal argument or written argument

680 summary, to any person who may in any way be involved in preparing an opposing rebuttal

681 argument or an opposing argument summary.

682 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written

683 rebuttal argument or a written argument summary after the written rebuttal argument or written

684 argument summary is submitted to the election officer.

685 (b) The election officer, and the person who submits a written rebuttal argument or  
686 written argument summary, may jointly agree to modify a written rebuttal argument or written  
687 argument summary in order to:

688 (i) correct factual, grammatical, or spelling errors; or

689 (ii) reduce the number of words to come into compliance with the requirements of this  
690 section.

691 (c) An election officer shall refuse to accept and publish a written rebuttal argument or  
692 written argument summary if the person who submits the written rebuttal argument or written  
693 argument summary:

694 (i) fails to negotiate, in good faith, to modify the written rebuttal argument or written  
695 argument summary in accordance with Subsection (9)(b); or

696 (ii) does not timely submit the written rebuttal argument or written argument summary  
697 to the election officer.

698 (d) An election officer shall make a good faith effort to negotiate a modification  
699 described in Subsection (9)(b) in an expedited manner.

700 (10) An election officer may designate another person to take the place of a person who  
701 submits a written rebuttal argument or written argument summary in relation to a standard local  
702 ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable  
703 to continue to fulfill the person's duties.

704 ~~[(11) (a) The local voter information pamphlet shall include a copy of the initial fiscal~~  
705 ~~impact estimate and the legal impact statement prepared for each initiative under Section~~  
706 ~~20A-7-502.5.]~~

707 ~~[(b) If the initiative proposes a tax increase, the local voter information pamphlet shall~~  
708 ~~include the following statement in bold type:]~~

709 ~~["This initiative seeks to increase the current (insert name of tax) rate by (insert the tax~~  
710 ~~percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent~~  
711 ~~increase in the current tax rate."]~~

712 (11) (a) The local attorney for a municipality or county for which a special local ballot  
713 proposition is approved to be voted upon in an election shall:

714 (i) entitle the local special ballot proposition "Proposition Number \_\_\_\_" and give it a

715 number as assigned under Section 20A-6-107;  
716 (ii) prepare an impartial short title, not exceeding 10 words, for the special local ballot  
717 proposition's ballot question;  
718 (iii) prepare an impartial ballot question that:  
719 (A) in accordance with Subsection (11)(b)(i), does not exceed 60 words;  
720 (B) generally describes the special local ballot proposition; and  
721 (C) may be answered "Yes" or "For" if the voter is in favor of the special local ballot  
722 proposition, or "No" or "Against" if the voter is opposed to the special local ballot proposition;  
723 and  
724 (iv) in accordance with Subsections (11)(b)(ii) and (iii), prepare an impartial summary  
725 of the contents of the special local ballot proposition that does not exceed 100 words.  
726 (b) (i) The 60-word limit described in Subsection (11)(a)(iii)(A) does not include the  
727 items described in Subsections (11)(a)(i), (ii), or (iv).  
728 (ii) The 100-word limit described in Subsection (11)(a)(iv) does not include the items  
729 described in Subsections (11)(a)(i) through (iii).  
730 (iii) (A) In preparing the summary described in Subsection (11)(a)(iv), the local  
731 attorney shall, to the best of the local attorney's ability, give a true and impartial statement of  
732 the purpose of the special local ballot proposition.  
733 (B) The summary described in Subsection (11)(a)(iv) may not intentionally be an  
734 argument, or likely to create prejudice, for or against the special local ballot proposition.  
735 (12) The local voter information pamphlet shall contain information relating to all  
736 ballot propositions, beginning a new page for each ballot proposition, in the following order for  
737 each ballot proposition:  
738 (a) the title, described in Subsection (11)(a)(i), Subsection 20A-7-508(2)(a), or  
739 Subsection 20A-7-608(2)(a), in bold;  
740 (b) the short title, described in Subsection (11)(a)(ii), Subsection 20A-7-508(2)(b), or  
741 Subsection 20A-7-608(2)(b), in bold;  
742 (c) if the ballot proposition is a local initiative that proposes a tax increase, the  
743 statement described in Subsection 20A-7-508(2)(c);  
744 (d) if the ballot proposition is a local initiative that proposes a new tax;  
745 (i) the statement described in Subsection 20A-7-508(2)(d); and



(ii) the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.";

(e) the ballot question described in Subsection (11)(a)(iii), Subsection 20A-7-508(2)(e), or Subsection 20A-7-608(2)(c);

(f) if the ballot proposition is a local referendum, the statement described in Subsection 20A-7-608(2)(d), regarding the meaning of a vote on the referendum;

(g) the impartial summary of the contents of the special local ballot proposition described in Subsection (11)(a)(iv), of the initiative described in Subsection 20A-7-508(2)(f), or of the contents of the law challenged by referendum described in Subsection 20A-7-608(2)(e);

(h) the arguments in favor of the ballot proposition, the rebuttal of the arguments in favor of the ballot proposition, the arguments against the ballot proposition, and the rebuttal to the arguments against the ballot proposition, with the name and title of the persons who submitted the arguments at the end of each argument and each rebuttal;

(i) for each local initiative qualified for the ballot:

(i) the fiscal impact estimate described in Section 20A-7-502.5;

(ii) the legal impact statement described in Section 20A-7-502.5; and

(iii) a complete copy of the local initiative as certified by the local clerk;

(j) for each local referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets; and

(k) for each special local ballot proposition, a complete copy of the text of the special local ballot proposition.

~~[(12)]~~ (13) (a) In preparing the local voter information pamphlet, the election officer shall:

~~[(i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;]~~

~~[(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:]~~

~~["The arguments for or against a ballot proposition are the opinions of the authors."],~~

~~[(iii)]~~ (i) pay for the printing and binding of the local voter information pamphlet; and

~~[(iv)]~~ (ii) not less than 15 days before, but not more than 45 days before, the election at

which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered

voter entitled to vote on the ballot proposition:

(A) a voter information pamphlet; or

(B) the notice described in Subsection ~~[(12)(c)]~~ (13)(b).

~~[(b)(i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.]~~

~~[(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.]~~

~~[(c)]~~ (b) (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(ii) The notice described in Subsection ~~[(12)(c)]~~ (13)(b)(i) shall include:

(A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

Section 9. Section **20A-7-508** is amended to read:

**20A-7-508. Ballot question -- Duties of local clerk and local attorney.**

(1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall, within 20 days after the day on which an eligible voter submits the initiative petition to the local clerk, prepare and provide the following to the local clerk for a county or municipal initiative that qualifies for the ballot:

(a) entitle each county or municipal initiative ~~[that has qualified for the ballot]~~

"Proposition Number \_\_\_\_" and give ~~[it]~~ the initiative a number as assigned under Section 20A-6-107;

~~[(b) prepare a proposed ballot title for the initiative;]~~

~~[(c) file the proposed ballot title and the numbered initiative titles with the local clerk]~~

808 ~~within 20 days after the day on which an eligible voter submits the initiative petition to the~~  
809 ~~local clerk; and]~~

810 ~~[(d) promptly provide notice of the filing of the proposed ballot title to:]~~

811 ~~[(i) the sponsors of the petition; and]~~

812 ~~[(ii) the local legislative body for the jurisdiction where the initiative petition was~~  
813 ~~circulated.]~~

814 ~~[(3) (a) The ballot title may be distinct from the title of the proposed law attached to~~  
815 ~~the initiative petition, and shall express, in not exceeding 100 words, the purpose of the~~  
816 ~~measure.]~~

817 (b) prepare an impartial short title, not exceeding 10 words, for the initiative's ballot  
818 question;

819 (c) if the initiative proposes a tax increase, draft the following statement in relation to  
820 each tax increase:

821 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
822 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
823 increase in the current tax rate.";

824 (d) if the initiative proposes a new tax, draft the following statement in relation to each  
825 new tax:

826 "This initiative proposes a new tax on (describe the tax). The proposed tax rate is  
827 (describe the proposed rate for the new tax).";

828 (e) prepare an impartial ballot question that:

829 (i) in accordance with Subsection (3)(a), does not exceed 60 words;

830 (ii) generally describes the initiative;

831 (iii) may be answered "Yes" or "For" if the voter is in favor of the initiative, or "No" or  
832 "Against" if the voter is opposed to the initiative; and

833 (iv) includes, in parenthesis following each term included in the summary that is  
834 defined in the initiative, the word "defined"; and

835 (f) in accordance with Subsections (3)(b) and (c), prepare an impartial summary of the  
836 contents of the initiative that does not exceed 100 words.

837 (3) (a) The 60-word limit described in Subsection (2)(e)(i) does not include the items  
838 described in Subsections (2)(a) through (d) or (f).

(b) The 100-word limit described in Subsection (2)(f) does not include the items described in Subsections (2)(a) through (e).

~~[(b)]~~ (c) (i) In preparing ~~[a ballot title]~~ the summary described in Subsection (2)(f), the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.

~~[(c)]~~ (ii) The ~~[ballot title]~~ summary described in Subsection (2)(f) may not intentionally be an argument, or likely to create prejudice, for or against the measure.

~~[(d) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the ballot title:]~~

~~["This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."]~~

(4) After complying with Subsection (2), the local attorney shall promptly provide notice of the filing of the proposed items described in Subsection (2) to:

(a) the sponsors of the petition; and

(b) the local legislative body for the jurisdiction where the initiative petition was circulated.

~~[(4)]~~ (5) (a) Within five calendar days after the ~~[date]~~ day on which the local attorney ~~[files a proposed ballot title under]~~ complies with Subsection (2)~~[(c)]~~, the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed ~~[ballot title]~~ items with the local clerk.

(b) Within five calendar days after the ~~[last date to submit written comments under]~~ deadline described in Subsection ~~[(4)]~~ (5)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection ~~[(4)]~~ (5)(a);

(ii) prepare a final ~~[ballot title]~~ version of the items described in Subsection (2) that meets the requirements of ~~[Subsection]~~ Subsections (2) and (3); and

(iii) return the petition and file the ~~[ballot title]~~ final version of the items described in Subsection (2) with the local clerk.

~~[(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.]~~

~~[(5)]~~ (6) Immediately after the local attorney ~~[files a copy of the ballot title with the~~

~~local clerk~~ complies with Subsection (5)(b)(iii), the local clerk shall serve a copy of the ~~[ballot title]~~ final version of the items described in Subsection (2), by mail, upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

~~[(6)] (7) (a) If the [ballot title furnished by the local attorney is]~~ final version of the items described in Subsection (2) is unsatisfactory or does not comply with the requirements of this section, ~~[the decision of the local attorney may be appealed to]~~ the following may bring a challenge in district court, or, if the Supreme Court has original jurisdiction, ~~[to]~~ the Supreme Court~~[, brought by]~~:

(i) at least three sponsors of the initiative petition; or

(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The court:

(i) shall examine the measures and consider arguments; and

(ii) may ~~[certify]~~ issue an order to the local clerk ~~[a ballot title for the measure that fulfills the intent of]~~ that includes a version of the items described in Subsection (2) that complies with this section.

(c) The local clerk shall ~~[print the title]~~ use the version of items certified by the court ~~[on the official ballot]~~ under Subsection (7)(b).

Section 10. Section **20A-7-509** is amended to read:

**20A-7-509. Form of ballot -- Manner of voting.**

~~[(1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.]~~

(1) Before the section of the ballot containing one or more initiatives, the ballot shall include the following statement, "A more detailed summary of each initiative appears on the accompanying ballot question voter guide."

(2) For each local initiative, the official ballot shall show, in the following order:

(a) the title described in Subsection 20A-7-508(2)(a), in bold;

(b) the short title described in Subsection 20A-7-508(2)(b), in bold;

(c) (i) if the initiative proposes a tax increase, the following statement, "This initiative

proposes a tax increase. For more information, see the accompanying local ballot question voter guide.";

(ii) if the initiative proposes a new tax, the following statement, "This initiative proposes a new tax. For more information, see the accompanying local ballot question voter guide."; or

(iii) if the initiative proposes a new tax and a tax increase, the following statement, "This initiative proposes a new tax and a tax increase. For more information, see the accompanying local ballot question voter guide.";

(d) the impartial ballot question described in Subsection 20A-7-508(2)(e); and

(e) a place for the voter to mark "Yes" or "For" in favor of the initiative and a place for the voter to mark "No" or "Against" in opposition to the initiative.

~~[(2)] (3) (a) [Voters]~~ A voter desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the ~~[square]~~ space adjacent to the word ~~["For," and voters]~~ "Yes" or "For."

(b) A voter desiring to vote against enacting the law proposed by the initiative petition shall mark the ~~[square]~~ space adjacent to the word "No" or "Against."

(4) The local clerk shall provide a copy of the local ballot question voter guide, described in Section 20A-7-401.7, with each ballot.

Section 11. Section **20A-7-608** is amended to read:

**20A-7-608. Ballot question -- Duties of local clerk and local attorney.**

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall, within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk, prepare and provide the following to the local clerk for a county or municipal referendum that qualifies for the ballot:

(a) entitle each county or municipal referendum ~~[that has qualified for the ballot]~~ "Proposition Number \_\_\_" and give ~~[it]~~ the referendum a number as assigned under Section 20A-6-107;

~~[(b) prepare a proposed ballot title for the referendum;]~~

~~[(c) file the proposed ballot title and the numbered referendum titles with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to~~

932 the local clerk; and]

933 ~~[(d) promptly provide notice of the filing of the proposed ballot title to:]~~

934 ~~[(i) the sponsors of the petition; and]~~

935 ~~[(ii) the local legislative body for the jurisdiction where the referendum petition was~~

936 ~~circulated.]~~

937 ~~[(3) (a) The ballot title may be distinct from the title of the law that is the subject of the~~

938 ~~petition, and shall express, in not exceeding 100 words, the purpose of the measure.]~~

939 (b) prepare an impartial short title, not exceeding 10 words, for the referendum's ballot

940 question;

941 (c) prepare an impartial ballot question that:

942 (i) in accordance with Subsection (3)(a), does not exceed 60 words;

943 (ii) generally describes the law challenged by the referendum;

944 (iii) may be answered "Yes" or "For" if the voter is in favor of the law challenged by

945 the referendum, or "No" or "Against" if the voter is opposed to the law challenged by the

946 referendum; and

947 (iv) includes, in parenthesis following each term included in the summary that is

948 defined in the law challenged by the referendum, the word "defined";

949 (d) prepare a statement, not to exceed 25 words in length, that explains the meaning of

950 a vote in favor of the law challenged by the referendum and the meaning of a vote opposed to

951 the law challenged by referendum; and

952 (e) in accordance with Subsection (3)(b), prepare an impartial summary of the contents

953 of the law challenged by referendum that does not exceed 100 words.

954 (3) (a) The 60-word limit described in Subsection (2)(c)(i) does not include the items

955 described in Subsections (2)(a), (b), (d), or (e).

956 (b) The 100-word limit described in Subsection (2)(e) does not include the items

957 described in Subsections (2)(a) through (d).

958 ~~[(b)]~~ (c) (i) In preparing [a ballot title] the summary described in Subsection (2)(e), the

959 local attorney shall, to the best of the local attorney's ability, give a true and impartial statement

960 of the purpose of the measure.

961 ~~[(c)]~~ (ii) The [ballot title] summary described in Subsection (2)(e) may not

962 intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) After complying with Subsection (2), the local attorney shall promptly provide notice of the filing of the proposed items described in Subsection (2) to:

(a) the sponsors of the petition; and

(b) the local legislative body for the jurisdiction where the referendum petition was circulated.

~~[(4)]~~ (5) (a) Within five calendar days after the ~~[date]~~ day on which the local attorney ~~[files a proposed ballot title under]~~ complies with Subsection (2)~~[(c)]~~, the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ~~[ballot title]~~ items with the local clerk.

(b) Within five calendar days after the ~~[last date to submit written comments under]~~ deadline described in Subsection ~~[(4)]~~ (5)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection ~~[(4)]~~ (5)(a);

(ii) prepare a final ~~[ballot title]~~ version of the items described in Subsection (2) that meets the requirements of ~~[Subsection]~~ Subsections (2) and (3); and

(iii) return the petition and file the ~~[ballot title]~~ final version of the items described in Subsection (2) with the local clerk.

~~[(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.]~~

~~[(5)]~~ (6) Immediately after the local attorney ~~[files a copy of the ballot title with the local clerk]~~ complies with Subsection (5)(b)(iii), the local clerk shall serve a copy of the ~~[ballot title]~~ final version of the items described in Subsection (2), by mail, upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

~~[(6)]~~ (7) (a) If the ~~[ballot title furnished by the local attorney is]~~ final version of the items described in Subsection (2) is unsatisfactory or does not comply with the requirements of this section, the ~~[decision of the local attorney may be appealed to the]~~ following may bring a challenge in district court, or, if the Supreme Court has original jurisdiction, ~~[to]~~ the Supreme Court~~[-brought by]~~:

(i) at least three sponsors of the referendum petition; or

(ii) a majority of the local legislative body for the jurisdiction where the referendum



petition was circulated.

(b) The court:

(i) shall examine the measures and consider the arguments; and

(ii) may issue an order to the local clerk that includes a ~~[ballot title for the measure that fulfills the intent of]~~ version of the items described in Subsection (2) that complies with this section.

(c) The local clerk shall ~~[print the title certified by the court on the official ballot]~~ use the version of items contained in the order described in Subsection (7)(b).

Section 12. Section **20A-7-609** is amended to read:

**20A-7-609. Form of ballot -- Manner of voting.**

~~[(1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.]~~

(1) Before the section of the ballot containing one or more referenda, the ballot shall include the following statement, "A more detailed summary of each referendum appears on the accompanying ballot question voter guide."

(2) For each local referendum, the official ballot shall show, in the following order:

(a) the title described in Subsection 20A-7-608(2)(a), in bold;

(b) the short title described in Subsection 20A-7-608(2)(b), in bold;

(c) the following statement, "A more detailed summary of the law challenged by this referendum and the full text of the law challenged by this referendum is provided in the accompanying local ballot question voter guide.";

(d) the ballot question described in Subsection 20A-7-608(2)(c);

(e) the statement described in Subsection 20A-7-608(2)(d) regarding the meaning of a positive or negative vote; and

(f) a place for the voter to mark "Yes" or "For" if the voter is in favor of the law challenged by the referendum and a place for the voter to mark "No" or "Against" if the voter is opposed to the law challenged by the referendum.

~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election

1025 ballot.

1026 (b) Except as provided in Subsection ~~[(2)]~~ (3)(c)(ii) or Section 20A-7-609.5, and unless  
1027 the municipal legislative body calls a special election, the municipal recorder or clerk shall  
1028 ensure that municipal referenda that have qualified for the ballot appear on the next regular  
1029 municipal election ballot.

1030 (c) (i) Except as provided in Section 20A-7-609.5, if a local law passes after January  
1031 30 of the year in which there is a regular general election, the county clerk shall ensure that a  
1032 county referendum that has qualified for the ballot appears on the ballot at the second regular  
1033 general election immediately following the passage of the local law unless the county  
1034 legislative body calls a special election.

1035 (ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30  
1036 of the year in which there is a municipal general election, the municipal recorder or clerk shall  
1037 ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the  
1038 second municipal general election immediately following the passage of the local law unless  
1039 the municipal legislative body calls a special election.

1040 ~~[(3)]~~ (4) (a) ~~[(i)]~~ A voter desiring to vote in favor of the law that is the subject of the  
1041 referendum shall mark the ~~[square]~~ space adjacent to the word "Yes" or "For."

1042 ~~[(ii)]~~ (b) The law that is the subject of the referendum is effective if a majority of  
1043 voters mark "Yes" or "For."

1044 ~~[(b)-(i)]~~ (5) (a) A voter desiring to vote against the law that is the subject of the  
1045 referendum petition shall mark the ~~[square]~~ space following the word "No" or "Against."

1046 ~~[(ii)]~~ (b) The law that is the subject of the referendum is not effective if a majority of  
1047 voters mark "No" or "Against."

1048 (6) The local clerk shall provide a copy of the local ballot question voter guide,  
1049 described in Section 20A-7-401.7, with each ballot.

1050 Section 13. Section **20A-7-613** is amended to read:

1051 **20A-7-613. Property tax referendum petition.**

1052 (1) As used in this section, "certified tax rate" means the same as that term is defined in  
1053 Section 59-2-924.

1054 (2) Except as provided in this section, the requirements of this part apply to a  
1055 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that

exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies with Subsection 20A-7-604(2).

(4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall ~~[prepare the ballot title]~~ comply with Subsection 20A-7-608(2) within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) Notwithstanding the requirements related to absentee ballots under this title:

(a) the election officer shall prepare absentee ballots for those voters who have requested an absentee ballot as soon as possible after the ~~[ballot title is prepared as described in]~~ local attorney complies with Subsection (6); and

(b) the election officer shall mail absentee ballots on a referendum under this section the later of:

(i) the time provided in Section 20A-3-305 or 20A-16-403; or

(ii) the time that absentee ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed

1087 is its most recent certified tax rate; and

1088 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
1089 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
1090 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
1091 before the filing of the referendum petition.

1092 (b) If a majority of voters votes against imposing a tax at the rate established by the  
1093 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
1094 taxing entity's most recent certified tax rate.

1095 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
1096 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
1097 taxing entity complies with those notice and public hearing requirements before the referendum  
1098 petition is filed.

1099 (11) The ~~[ballot title]~~ question described in Subsection 20A-7-608(2)(c) shall, at a  
1100 minimum, include in substantially this form the following: "Shall the [name of the taxing  
1101 entity] be authorized to levy a tax rate in the amount sufficient to generate an increased  
1102 property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by  
1103 the [name of the taxing entity]".

1104 (12) A taxing entity shall pay the county the costs incurred by the county that are  
1105 directly related to meeting the requirements of this section and that the county would not have  
1106 incurred but for compliance with this section.

1107 (13) (a) An election officer shall include on a ballot a referendum that has not yet  
1108 qualified for placement on the ballot, if:

1109 (i) sponsors file an application for a referendum described in this section;

1110 (ii) the ballot will be used for the election for which the sponsors are attempting to  
1111 qualify the referendum; and

1112 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
1113 the day on which the ballot will be printed.

1114 (b) If an election officer includes on a ballot a referendum described in Subsection  
1115 (13)(a), the ~~[ballot title]~~ question described in Subsection 20A-7-608(2)(c) shall comply with  
1116 Subsection (11).

1117 (c) If an election officer includes on a ballot a referendum described in Subsection

(13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 14. Section **20A-7-702** is amended to read:

**20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than 10 point, except that the text of any measure may be ~~[set forth]~~ printed in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following ~~[items in this order]~~ information, in order, as follows:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first business day in August before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

~~[(i) a copy of the number and ballot title of the measure;]~~

(i) the title, described in Subsection 20A-7-103(3)(a), 20A-7-209(2)(a), or 20A-7-308(2)(a), in bold;

(ii) the short title, described in Subsection 20A-7-103(3)(b), 20A-7-209(2)(b), or 20A-7-308(2)(b), in bold;

~~[(ii)]~~ (iii) the final vote cast by the Legislature on the measure if [it is a] the measure is submitted by the Legislature or by referendum;

1149 (iv) if the measure is an initiative that proposes a tax increase, the statement described  
 1150 in Subsection 20A-7-209(2)(c);

1151 (v) if the measure is an initiative that proposes a new tax, the statement described in  
 1152 Subsection 20A-7-209(2)(d);

1153 (vi) the ballot question described in Subsection 20A-7-103(3)(c), 20A-7-209(2)(e), or  
 1154 20A-7-308(2)(c);

1155 (vii) if the measure is a referendum, the statement described in Subsection  
 1156 20A-7-308(2), regarding the meaning of a vote on the referendum;

1157 ~~[(iii)]~~ (viii) the impartial analysis of the measure ~~[prepared by the Office of Legislative~~  
 1158 ~~Research and General Counsel]~~ described in Section 20A-7-703;

1159 ~~[(iv)]~~ (ix) the arguments in favor of the measure, the rebuttal to the arguments in favor  
 1160 of the measure, the arguments against the measure, and the rebuttal to the arguments against  
 1161 the measure, with the name and title of the authors at the end of each argument ~~[or]~~ and each  
 1162 rebuttal;

1163 ~~[(v)]~~ (x) for each constitutional amendment, a complete copy of the text of the  
 1164 constitutional amendment, with all new language underlined, and all deleted language placed  
 1165 within brackets;

1166 ~~[(vi)]~~ (xi) for each initiative qualified for the ballot:

1167 (A) ~~[a copy of the measure as certified by the lieutenant governor and]~~ a copy of the  
 1168 fiscal impact estimate ~~[prepared according to]~~ described in Section 20A-7-202.5; ~~[and]~~

1169 (B) if the initiative proposes a tax increase, the following statement in bold type:

1170 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
 1171 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
 1172 increase in the current tax rate."; and

1173 (C) a copy of the measure as certified by the lieutenant governor; and

1174 ~~[(vii)]~~ (xii) for each referendum qualified for the ballot, a complete copy of the text of  
 1175 the law being submitted to the voters for their approval or rejection, with all new language  
 1176 underlined and all deleted language placed within brackets~~[, as applicable];~~

1177 (h) a description provided by the Judicial Performance Evaluation Commission of the  
 1178 selection and retention process for judges, including, in the following order:

1179 (i) a description of the judicial selection process;

- 1180 (ii) a description of the judicial performance evaluation process;
- 1181 (iii) a description of the judicial retention election process;
- 1182 (iv) a list of the criteria of the judicial performance evaluation and the minimum  
1183 performance standards;
- 1184 (v) the names of the judges standing for retention election; and
- 1185 (vi) for each judge:
- 1186 (A) a list of the counties in which the judge is subject to retention election;
- 1187 (B) a short biography of professional qualifications and a recent photograph;
- 1188 (C) a narrative concerning the judge's performance;
- 1189 (D) for each standard of performance, a statement identifying whether or not the judge  
1190 met the standard and, if not, the manner in which the judge failed to meet the standard;
- 1191 (E) a statement identifying whether or not the Judicial Performance Evaluation  
1192 Commission recommends the judge be retained or declines to make a recommendation and the  
1193 number of votes for and against the commission's recommendation;
- 1194 (F) any statement provided by a judge who is not recommended for retention by the  
1195 Judicial Performance Evaluation Commission under Section 78A-12-203;
- 1196 (G) in a bar graph, the average of responses to each survey category, displayed with an  
1197 identification of the minimum acceptable score as set by Section 78A-12-205 and the average  
1198 score of all judges of the same court level; and
- 1199 (H) a website address that contains the Judicial Performance Evaluation Commission's  
1200 report on the judge's performance evaluation;
- 1201 (i) for each judge, a statement provided by the Utah Supreme Court identifying the  
1202 cumulative number of informal reprimands, when consented to by the judge in accordance with  
1203 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of  
1204 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article  
1205 VIII, Section 13, during the judge's current term and the immediately preceding term, and a  
1206 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct  
1207 that the judge has received;
- 1208 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,  
1209 indicating the ballot marking procedure used by each county and explaining how to mark the  
1210 ballot for each procedure;

1211 (k) voter registration information, including information on how to obtain an absentee  
1212 ballot;

1213 (l) a list of all county clerks' offices and phone numbers;

1214 (m) the address of the Statewide Electronic Voter Information Website, with a  
1215 statement indicating that the election officer will post on the website any changes to the  
1216 location of a polling place and the location of any additional polling place;

1217 (n) a phone number that a voter may call to obtain information regarding the location  
1218 of a polling place; and

1219 (o) on the back cover page, a printed copy of the following statement signed by the  
1220 lieutenant governor:

1221 "I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the  
1222 measures contained in this pamphlet will be submitted to the voters of Utah at the election to  
1223 be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and  
1224 correct according to law.

1225 SEAL

1226 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
1227 of \_\_\_\_ (month), \_\_\_\_ (year)

1228 (signed) \_\_\_\_\_

1229 Lieutenant Governor".

1230 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting  
1231 commences, the lieutenant governor shall:

1232 (a) (i) distribute one copy of the voter information pamphlet to each household within  
1233 the state;

1234 (ii) distribute to each household within the state a notice:

1235 (A) printed on a postage prepaid, preaddressed return form that a person may use to  
1236 request delivery of a voter information pamphlet by mail;

1237 (B) that states the address of the Statewide Electronic Voter Information Website  
1238 authorized by Section 20A-7-801; and

1239 (C) that states the phone number a voter may call to request delivery of a voter  
1240 information pamphlet by mail; or

1241 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of



every newspaper of general circulation in the state;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

(4) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

Section 15. Section **20A-7-706** is amended to read:

**20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal arguments.**

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.

(2) The authors may prepare and submit:

(a) a rebuttal [arguments] argument not exceeding 250 words, not counting the information described in Subsection 20A-7-705(4)(e)[-]; and

(b) a summary of the argument submitted by the authors under Section 20A-7-704, not exceeding 50 words, to be included in the statewide ballot question voter guide.

(3) (a) The authors shall file the rebuttal [arguments shall be filed] argument described in Subsection (2)(a) and the summary described in Subsection (2)(b) with the lieutenant governor:

(i) for constitutional amendments and referendum petitions, before 5 p.m. no later than 120 days before the date of the election; and

(ii) for initiatives, before 5 p.m. no later than July 30.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change ~~the rebuttal arguments after they are submitted~~ a rebuttal argument or summary after the authors submit the argument or summary to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of a rebuttal argument or summary may jointly modify a rebuttal argument or summary after ~~[it is submitted]~~ submission if:

(i) they jointly agree that changes to the rebuttal argument or summary must be made to correct spelling or grammatical errors; and

(ii) the rebuttal argument or summary has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

(b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Section 16. Section **20A-7-901** is enacted to read:

#### **Part 9. Statewide Ballot Question Voter Guide**

##### **20A-7-901. Statewide ballot question voter guide.**

(1) (a) If there is a statewide initiative, a statewide referendum, or a proposed constitutional amendment on the ballot, the election officer shall provide with each ballot a statewide ballot question voter guide.

(b) An election officer may not print a statewide ballot question voter guide on the ballot.

(2) The statewide ballot question voter guide shall include the following for each statewide initiative, in the following order:

(a) the title described in Subsection 20A-7-209(2)(a), in bold;

(b) the short title described in Subsection 20A-7-209(2)(b), in bold;

(c) (i) if the initiative proposes a tax increase:

(A) the following statement, "This initiative proposes a tax increase.";

(B) for each proposed tax increase, the following statement, "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.";  
and

(C) the following statement, "For more information, see the accompanying statewide ballot question voter guide.";

(ii) if the initiative proposes a new tax, the following statement, "This initiative proposes a new tax. For more information, see the accompanying statewide ballot question voter guide."; or

(iii) if the initiative proposes a new tax and a tax increase:

(A) the following statement, "This initiative proposes a new tax and a tax increase.";

(B) for each proposed tax increase, the following statement, "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.";  
and

(C) the following statement, "For more information, see the accompanying statewide ballot question voter guide.";

(d) the fiscal impact estimate prepared in accordance with Section 20A-7-202.5;

(e) the impartial summary described in Subsection 20A-7-209(2)(f);

(f) the argument summaries submitted under Section 20A-7-706;

(g) a website address where an individual may view the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706 and the full text of the initiative;  
and

(h) the name and contact information of the sponsors of the initiative and the authors of the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706.

(3) The statewide ballot question voter guide shall include the following for each statewide referendum, in the following order:

(a) the title described in Subsection 20A-7-308(2)(a), in bold;

(b) the short title described in Subsection 20A-7-308(2)(b), in bold;

(c) the summary described in Subsection 20A-7-308(2)(e);

(d) the statement, described in Subsection 20A-7-308(2)(d), regarding the meaning of a vote on the law challenged by referendum;

(e) the argument summaries submitted under Section 20A-7-706;

(f) a website address where an individual may view the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706 and the full text of the law challenged by the referendum; and

(g) the name and contact information of the sponsors of the referendum and the authors

of the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706.

(4) The statewide ballot question voter guide shall include the following for each proposed constitutional amendment, in the following order:

(a) the title described in Subsection 20A-7-103(3)(a), in bold;

(b) the short title described in Subsection 20A-7-103(3)(b), in bold;

(c) the full text of the proposed constitutional amendment;

(d) the summary described in Subsection 20A-7-103(3)(d);

(e) the argument summaries submitted under Section 20A-7-706;

(f) a website address where an individual may view the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706; and

(g) the name and contact information of the authors of the arguments and rebuttal arguments described in Sections 20A-7-704 and 20A-7-706.

(5) A statewide ballot question voter guide and a local ballot question voter guide may appear consecutively in the same document.

Section 17. Section **20A-12-201** is amended to read:

**20A-12-201. Judicial appointees -- Retention elections.**

(1) (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(ii) pay a filing fee of \$50.

(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3) (a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) (a) At the general election, the ballots shall contain, as to each justice or judge of any court to be voted on in the county, the following question:

"Shall \_\_\_\_\_ (name of justice or judge) be retained in the office of \_\_\_\_\_? (name of office, such as ["]Justice of the Supreme Court of Utah["]; ["]Judge of the Court of Appeals of Utah["]; ["]Judge of the District Court of the Third Judicial District["]; ["]Judge of the Juvenile Court of the Fourth Juvenile Court District["]; or ["]Justice Court Judge of (name of county) County or (name of each municipality, within the same county, where the judge serves)["])

Yes ()

No ()."

(b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.

(7) (a) [H] Except as provided in Subsection (8), if a justice court judge is standing for retention for more than one office, the county clerk shall place the judge's name on the ballot separately for each office.

(b) If, under Subsection (7)(a), the justice court judge [receives more] does not receive more yes votes than no votes [than yes votes] in one office, but receives more yes votes than no votes in [the other] another, the justice court judge shall be retained only in the office for which the justice court judge received more yes votes than no votes.

(8) (a) If a justice court judge is standing for retention for more than one municipality within the same county, the county clerk shall list each of those municipalities within the same retention election question for that justice court judge.

(b) If the justice court judge receives more yes votes than no votes in answer to the question described in Subsection (8)(a), the judge is retained for each municipality listed.

(c) If the justice court judge does not receive more yes votes than no votes in answer to the question described in Subsection (8)(a), the judge is not retained for any municipality listed.